

Region 8



13570

Release in Full

1044b UIC - EAST POPLAR OIL FIELD ENFORCEMENT CASE  
SDWA 1431  
Folder ID: 13570 2004 Privileged

East Poplar Oil Field  
Enforcement Case  
Safe Drinking Water Act §1431  
Officer: Nathan Wiser



U.S. Department of Justice

Environment and Natural Resources Division

LJG:DAC  
90-5-1-7-16553

David A. Carson  
Environmental Defense Section  
999 18<sup>th</sup> Street  
Suite 945 North Tower  
Denver, CO 80202

Region 8



13570

Telephone (303) 312-7309  
Facsimile (303) 312-7331

October 1, 2004


Patrick J. Fisher, Jr.  
Clerk of Court  
United States Court of Appeals  
for the Tenth Circuit  
Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257

Re: Samson Investment Co. v. EPA, No. 01-9500; Samson  
Hydrocarbons Co. v. EPA, No. 02-9510; Murphy  
Exploration and Production Co. v. EPA, No. 02-9512

Dear Mr. Fisher:

Pursuant to your request, enclosed please find a copy of the Court's mandate in each of the above referenced cases which the United States Environmental Protection Agency has file stamped.

Sincerely,

  
David A. Carson, Senior Counsel  
Environmental Defense Section

enclosures

cc: Jim Eppers  
Steven Moores  
Nathan Wiser

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

---

SAMSON INVESTMENT COMPANY  
and SAMSON HYDROCARBONS  
COMPANY,

Petitioners,

v.

ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.

**RECEIVED**  
SEP 30 2004  
**ECEJ-TEP**

No. 01-9500  
(D.C. No. SDWA-8-99-68)

---

**ORDER**

**Filed September 24, 2004**

---

In accordance with Rule 33.1, Rules of the Tenth Circuit, and upon consideration of the stipulation to dismiss this appeal,

IT IS ORDERED that the above appeal be and it hereby is dismissed pursuant to Rule 42(b), Federal Rules of Appellate Procedure. Each party shall bear its own costs on appeal. A certified copy of this order shall stand as and for the mandate of the court.

Entered for the Court

PATRICK FISHER, Clerk

by:

  
Deputy Clerk

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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SAMSON HYDROCARBONS  
COMPANY,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

**RECEIVED**  
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**ECEJ-TEP**

Nos. 02-9510  
02-9511  
(D.C. No. SDWA-8-2001-33)

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**ORDER**

**Filed September 24, 2004**

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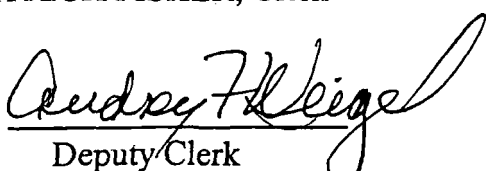
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Deputy Clerk

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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MURPHY EXPLORATION &  
PRODUCTION COMPANY,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

**RECEIVED**  
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**ECEJ-TEP**

No. 02-9512  
(D.C. No. SDWA-8-2001-33)

A true copy

Teste

Patrick Fisher  
Clerk, U. S. Court of  
Appeals, Tenth Circuit

---

**ORDER**  
**Filed September 23, 2004**

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*[Signature]*  
Deputy Clerk

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Entered for the Court

PATRICK FISHER, Clerk

by: *[Signature]*  
Deputy Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

RECEIVED

NOV 2 2004

ECEJ-TEP

In re: ) Chapter 11  
W. R. GRACE & Co., et al., )  
Debtors. ) Case No. 01-1139 (JFK)  
) (Jointly Administered)  
)

**NOTICE OF (A) NOTIFICATION PROCEDURES APPLICABLE TO  
SUBSTANTIAL HOLDERS OF EQUITY SECURITIES  
AND (B) NOTIFICATION AND HEARING PROCEDURES FOR  
TRADING IN EQUITY SECURITIES**

TO ALL PERSONS OR ENTITIES WITH EQUITY INTERESTS IN W. R. GRACE & CO.:

PLEASE TAKE NOTICE that on April 2, 2001 (the "Petition Date"), W.R. Grace & Co., together with certain of its subsidiaries and affiliates (collectively, the "Debtors"), commenced cases under Chapter 11 of Title 11 of the United States Code as amended from time to time (the "Bankruptcy Code").

PLEASE TAKE FURTHER NOTICE that on October 25, 2004, the United States Bankruptcy Court for the District of Delaware (the "Court") entered an interim order (the "Order") imposing certain transfer restrictions on equity securities of W. R. Grace & Co. and approving the procedures set forth in the Order (the "Notice Procedures") to preserve the Debtor's net operating losses ("NOLs").

**Any sale or other transfer of equity securities in W. R. Grace & Co. in violation of the Order or the Notice Procedures shall be null and void *ab initio* and shall confer no rights on the transferee.**

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, the Notice Procedures shall apply to holding, acquiring and disposing, and any other transfers of EQUITY SECURITIES IN W. R. GRACE & CO.

PLEASE TAKE FURTHER NOTICE that any person or entity may obtain a copy of the Order, the Notice Procedures and the forms of each of the required notices described therein by:

1. Contacting the Clerk's Office for the United States Bankruptcy Court for the District of Delaware at 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, 302-252-2900, Monday through Friday during the hours of 8:00 a.m. to 4:00 p.m., excluding Federal Holidays.

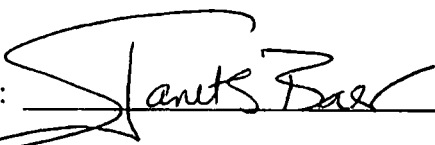
2. Contacting Kirkland & Ellis LLP, counsel to the Debtors, 200 E. Randolph Drive, Chicago, Illinois 60601, Attn.: Gregory W. Gallagher, Esq., 312-861-2087, [ggallagher@kirkland.com](mailto:ggallagher@kirkland.com).

PLEASE TAKE FURTHER NOTICE that parties in interest that oppose the interim relief granted in the Order becoming final must file an objection with the court and serve such objection on Debtors' counsel as outlined below on or before November 10, 2004 at 12:00 p.m. Eastern Time. In the event that no timely objections to the interim relief granted in the Order are filed, the relief provided in the Order shall be final and no further action of the court shall be required. In the event that any objections to the interim relief granted in the Order are filed, they will be heard at the Debtors' November 15, 2004 Omnibus Hearing at 12:00 p.m. in Delaware.

PLEASE TAKE FURTHER NOTICE that the requirements set forth in this Notice are in addition to the requirements of Rule 3001(e) of the Federal Rules of Bankruptcy Procedure and applicable securities, corporate and other laws, and do not excuse compliance therewith.

Dated: October 27, 2004

W. R. GRACE & CO., et al.

By: \_\_\_\_\_

KIRKLAND & ELLIS LLP  
David M. Bernick, P.C.  
Janet S. Baer  
Samuel L. Blatnick  
200 East Randolph Drive  
Chicago, Illinois 60601  
Telephone: (312) 861-2000  
Facsimile: (312) 861-2200

and

PACHULSKI, STANG, ZIEHL, YOUNG, JONES &  
WEINTRAUB P.C.  
Laura Davis Jones (Bar No. 2436)  
David W. Carickhoff, Jr. (Bar No. 3715)  
919 North Market Street, 16th Floor  
Wilmington, Delaware 19899-8705 (Courier 19801)  
Telephone: (302) 652-4100  
Facsimile: (302) 652-4400

Counsel for the Debtors and Debtors in Possession



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

RECEIVED

NOV 2 2004

In re: ) Chapter 11  
 )  
W. R. GRACE & Co., et al., ) Case No. 01-1139 (JFK)  
 ) (Jointly Administered)  
Debtors. )

ECEJ-TEP

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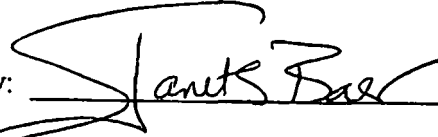
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Dated: October 27, 2004

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KIRKLAND & ELLIS LLP

David M. Bernick, P.C.

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200 East Randolph Drive

Chicago, Illinois 60601

Telephone: (312) 861-2000

Facsimile: (312) 861-2200

and

PACHULSKI, STANG, ZIEHL, YOUNG, JONES &  
WEINTRAUB P.C.

Laura Davis Jones (Bar No. 2436)

David W. Carickhoff, Jr. (Bar No. 3715)

919 North Market Street, 16th Floor

Wilmington, Delaware 19899-8705 (Courier 19801)

Telephone: (302) 652-4100

Facsimile: (302) 652-4400

Counsel for the Debtors and Debtors in Possession



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

**999 18<sup>TH</sup> STREET- SUITE 300**

**DENVER, CO 80202-2466**

**Phone 800-227-8917**

**<http://www.epa.gov/region08>**

Ref: 8ENF-UFO

NOV - 9 2004

Joanna Thamke, Geohydrologist  
United States Geological Survey  
3162 Bozeman Avenue  
Helena, Montana 59601

Re: October 2004 Monitoring Data  
East Poplar Oil Field

Dear Joanna,

Enclosed please find copies of the October 2004 groundwater monitoring data submitted to EPA by Pioneer Natural Resources USA, Inc. as part of their required monitoring around the Biere No.1-22 former oil production well. Included should be copies of the monitoring wells' fluid levels and inorganic chemistry results, both dating back to 2000. Also, a map of the monitoring well network is included.

If there is anything else I can provide, please feel free to call me at (303) 312-6211.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan M. Wisner".

Nathan M. Wisner, Environmental Scientist  
Underground Injection Control Program

Enclosures



Printed on Recycled Paper



U.S. Department of Justice

Environment and Natural Resources Division

LJG:DAC  
90-5-1-7-16553

David A. Carson  
Environmental Defense Section  
999 18<sup>th</sup> Street  
Suite 945 North Tower  
Denver, CO 80202

Telephone (303) 312-7309  
Facsimile (303) 312-7331

October 1, 2004

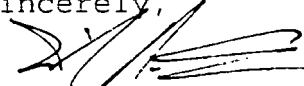
Patrick J. Fisher, Jr.  
Clerk of Court  
United States Court of Appeals  
for the Tenth Circuit  
Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257

Re: Samson Investment Co. v. EPA, No. 01-9500; Samson  
Hydrocarbons Co. v. EPA, No. 02-9510; Murphy  
Exploration and Production Co. v. EPA, No. 02-9512

Dear Mr. Fisher:

Pursuant to your request, enclosed please find a copy of the Court's mandate in each of the above referenced cases which the United States Environmental Protection Agency has file stamped.

Sincerely,

  
David A. Carson, Senior Counsel  
Environmental Defense Section

enclosures

cc: Jim Eppers  
Steven Moores  
Nathan Wiser

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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SAMSON INVESTMENT COMPANY  
and SAMSON HYDROCARBONS  
COMPANY,

Petitioners,

v.

ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.

**RECEIVED**  
SEP 30 2004  
**ECEJ-TEP**

No. 01-9500  
(D.C. No. SDWA-8-99-68)

---

**ORDER**

**Filed September 24, 2004**

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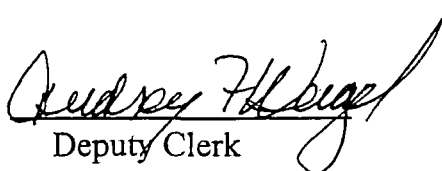
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Entered for the Court

PATRICK FISHER, Clerk

by:

  
Deputy Clerk

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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SAMSON HYDROCARBONS  
COMPANY,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

**RECEIVED**  
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Nos. 02-9510  
02-9511  
(D.C. No. SDWA-8-2001-33)

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**ORDER**

**Filed September 24, 2004**

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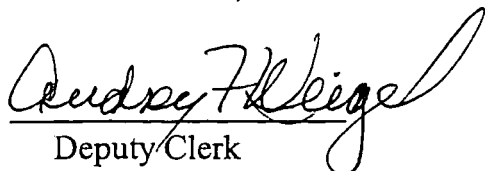
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Entered for the Court

PATRICK FISHER, Clerk

by:

  
Deputy Clerk

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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MURPHY EXPLORATION &  
PRODUCTION COMPANY,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

RECEIVED  
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ECEJ-TEP

No. 02-9512  
(D.C. No. SDWA-8-2001-33)

A true copy

Teste

Patrick Fisher  
Clerk, U. S. Court of  
Appeals, Tenth Circuit

---

ORDER  
Filed September 23, 2004

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*[Signature]*  
Deputy Clerk

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Entered for the Court

PATRICK FISHER, Clerk

by:

*[Signature]*  
Deputy Clerk

1200 G Street N.W., Suite 600  
Washington, D.C. 20005-3802  
(202) 393-1200  
(202) 393-1240 - Telefax

**Wright & Talisman, P.C.**

# Fax

**To:** Dave Carson**From:** Scott DuBoff**Fax:** 202-312-7331**Pages:** 3**Phone:****Date:** 09/21/04**Re:****Charge:** 709-1007

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

● **Comments:**

*Handwritten:*  
Please call to  
Nathan  
Steele  
W.C.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS ATTORNEY-CLIENT PRIVILEGED INFORMATION INTENDED ONLY FOR THE RECIPIENT. IF THE READER IS NOT THE RECIPIENT OR AN EMPLOYEE OR AUTHORIZED AGENT OF THE RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS FACSIMILE OR THE INFORMATION IN THIS DOCUMENT IS UNAUTHORIZED. IF YOU RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT THE ABOVE TELEPHONE NUMBER AND RETURN ALL OF THE PAGES TO US AT THE ABOVE ADDRESS.



**INTER-AGENCY ROUTING SLIP**

**DATE:**

9/22/04

**TO:**

Nathan Wiser - 8 E717-T

**FROM:**

**DAVID A. CARSON, SENIOR TRIAL ATTORNEY  
US DEPARTMENT OF JUSTICE/ENRD/EDS  
999 18<sup>TH</sup> STREET, SUITE 945, NORTH TOWER  
DENVER, COLORADO 80202  
VOICE: (303) 312-7309; FAX: (303) 312-7331**

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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MURPHY EXPLORATION &  
PRODUCTION COMPANY,

Petitioner,

v.

No. 02-9512

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

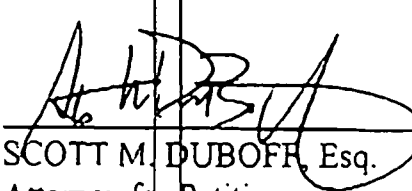
Respondent.

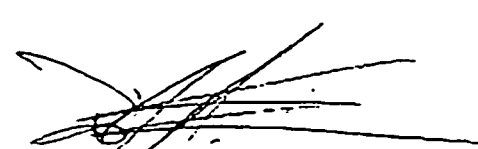
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STIPULATION TO DISMISS

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Pursuant to discussions held under Tenth Circuit Rule 33.1, Federal Rule of Appellate Procedure 42(b), and the agreement of the parties, the undersigned hereby stipulate that the above appeal may be dismissed with prejudice. Each party shall bear its own costs on appeal.

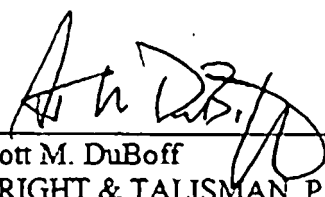
 9-21-04  
SCOTT M. DUBOFF, Esq.  
Attorney for Petitioner  
Murphy Exploration & Production  
Company

  
DAVID A. CARSON, Esq.  
Attorney for Respondent  
United States Environmental Protection  
Agency

CERTIFICATE OF SERVICE

I hereby certify that I have this 21<sup>st</sup> day of September 2004, caused a copy of the foregoing Stipulation To Dismiss to be served by delivering a copy thereof to the U.S. Postal Service with postage prepaid and addressed as follows:

David A. Carson, Senior Trial Counsel  
Environmental Defense Section  
U.S. Department of Justice  
999 18<sup>th</sup> Street  
Suite 945 North Tower  
Denver, Colorado 80202

  
\_\_\_\_\_  
Scott M. DuBoff  
WRIGHT & TALISMAN, P.C.  
1200 G Street, N.W., Suite 600  
Washington, D.C. 20005  
(202) 393-1200

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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Respondent.

**RECEIVED**  
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No. 02-9512  
(D.C. No. SDWA-8-2001-33)

A true copy

Teste

Patrick Fisher  
Clerk, U. S. Court of  
Appeals, Tenth Circuit

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**ORDER**

Filed September 23, 2004

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*[Signature]*  
Deputy Clerk

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Entered for the Court

PATRICK FISHER, Clerk

by: *[Signature]*  
Deputy Clerk

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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SAMSON HYDROCARBONS  
COMPANY,

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PATRICK FISHER, Clerk

*Patrick Fisher*

UNITED STATES COURT OF APPEALS  
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No. 01-9500  
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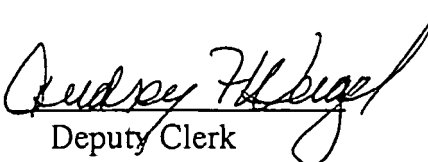
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by:

  
Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

LJG:DAC  
90-5-1-7-16553

David A. Carson  
Environmental Defense Section  
999 18<sup>th</sup> Street  
Suite 945 North Tower  
Denver, CO 80202

Telephone (303) 312-7309  
Facsimile (303) 312-7331

August 10, 2004

Patrick J. Fisher, Jr.  
Clerk of Court  
United States Court of Appeals  
for the Tenth Circuit  
Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257

Re: Marathon Oil Co. v. EPA, Appeal No. 01-9543

Dear Mr. Fisher:

Pursuant to your request, enclosed please find a copy of the Court's mandate in the above referenced case which the United States Environmental Protection Agency has file stamped.

Sincerely,

David A. Carson, Senior Counsel  
Environmental Defense Section

enclosure

cc: Jim Eppers  
Steven Moores  
Nathan Wiser

United States Court of Appeals for the Tenth Circuit  
OFFICE OF THE CLERK

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303)844-3157

Patrick J. Fisher, Jr.  
Clerk of Court

August 3, 2004

**RECEIVED**

AUG 05 2004

Office of Enforcement  
Compliance & Environmental  
Justice

General Counsel  
Environmental Protection Agency  
401 M Street, N.W.  
Washington, DC 20460

Mr. John D. Fognani  
Ms. Lauren C. Buehler  
Fognani Guibord Homsy & Roberts  
555 17th St.  
26th Flr.  
Denver, CO 80202

Jim Eppers, Mr.  
U.S. Environmental Protection Agency  
Region VIII  
999 18th St.  
#300  
Denver, CO 80202-2466

Mr. David A. Carson  
United States Department of Justice  
999 18th Street  
Suite 945N  
Denver, CO 80202

Re: 01-9543, Marathon Oil Company v. EPA  
Dist/Ag docket: SDWA-08-2001-33,

Dear Counsel:

The court filed an order today dismissing this case. A copy of the order is enclosed for all parties.

Also enclosed for the United States Environmental Protection Agency, is a certified copy of the dismissal order which is issued as the mandate of the court. Please file it in the records of the agency.

The agency is requested to acknowledge receipt of this mandate by file stamping and returning the enclosed copy of this letter.



Please contact this office if you have questions.

Sincerely,

PATRICK FISHER  
Clerk

By: *Opala Carter*  
Deputy Clerk

PF:oac